

SENATE BILL 1078

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2lr3411

By: **Senator Dyson**

Introduced and read first time: March 5, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Absentee Ballots – Internet or Facsimile Transmission**

3 FOR the purpose of requiring a local board of elections to send certain voters an
4 absentee ballot by the Internet or facsimile transmission under certain
5 circumstances; requiring the State Board of Elections to provide an online ballot
6 marking tool for certain voters to use to vote an absentee ballot, subject to a
7 certain condition; requiring a local board of elections to provide certain voters
8 with a certain envelope, oath, and instructions for completing and mailing an
9 absentee ballot; and generally relating to absentee ballots.

10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 9–306, 9–308, and 9–310
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Election Law**

18 9–306.

19 (a) Promptly after receipt of an application, the election director shall review
20 the application and determine whether the applicant qualifies to vote by absentee
21 ballot.

22 (b) **(1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
23 **SUBSECTION, IF** the applicant qualifies to vote by absentee ballot, the local board
24 shall send the ballot[:] **BY MAIL.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) IF REQUESTED BY A MILITARY OR OVERSEAS VOTER,**
2 **THE LOCAL BOARD SHALL SEND THE BALLOT BY THE INTERNET OR FACSIMILE**
3 **TRANSMISSION.**

4 **(II) IF REQUESTED BY A VOTER WITH DISABILITIES, THE**
5 **LOCAL BOARD SHALL SEND THE BALLOT BY THE INTERNET, PROVIDED THAT**
6 **THE VOTER ACKNOWLEDGES THAT DELIVERY BY THE INTERNET IS NECESSARY**
7 **TO ALLOW THE VOTER TO VOTE INDEPENDENTLY USING THE BALLOT MARKING**
8 **TOOL SPECIFIED UNDER § 9-308 OF THIS SUBTITLE.**

9 **(C) THE LOCAL BOARD SHALL SEND THE BALLOT TO A QUALIFIED**
10 **APPLICANT:**

11 (1) as soon as practicable after receipt of the request; or

12 (2) if the ballots have not been received from the printer, as soon as
13 practicable after the local board receives delivery of the ballots.

14 **[(c)] (D)** (1) If the members of the local board determine that the
15 applicant is not entitled to vote by absentee ballot, the local board shall notify the
16 applicant as soon as practicable after receipt of the application of the reasons for the
17 rejection.

18 (2) (i) The local board may delegate the determination under
19 paragraph (1) of this subsection to the staff of the local board.

20 (ii) If the determination has been delegated, the applicant may
21 appeal the rejection to the members of the local board, who shall decide the appeal as
22 expeditiously as practicable.

23 **[(d)] (E)** Not more than one absentee ballot may be issued to a voter unless
24 the election director of the local board has reasonable grounds to believe that an
25 absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

26 9-308.

27 (a) A voter who requires assistance in casting an absentee ballot by reason of
28 disability, inability to write, or inability to read the ballot may be assisted by any
29 individual other than:

30 (1) a candidate who is on that ballot;

31 (2) the voter's employer or an agent of the employer; or

32 (3) an officer or agent of the voter's union.

1 (b) An individual rendering assistance under this section shall execute a
2 certification as prescribed by the State Board and included in the instructions under §
3 9–309 of this subtitle.

4 (c) (1) THE STATE BOARD SHALL PROVIDE AN OPTIONAL ONLINE
5 BALLOT MARKING TOOL FOR A VOTER WITH DISABILITIES AND FOR A MILITARY
6 OR OVERSEAS VOTER WHO ELECTED TO HAVE THE ABSENTEE BALLOT SENT BY
7 THE INTERNET.

8 (2) UNLESS REQUIRED BY THE UNITED STATES ELECTION
9 ASSISTANCE COMMISSION, THE ONLINE BALLOT MARKING TOOL IS NOT
10 SUBJECT TO THE CERTIFICATION REQUIREMENTS SPECIFIED UNDER THIS
11 TITLE.

12 9–310.

13 (a) (1) THIS SUBSECTION APPLIES ONLY TO AN ABSENTEE BALLOT
14 THAT IS SENT BY MAIL.

15 (2) An absentee ballot shall be enclosed in specially printed envelopes,
16 the form and content of which shall be prescribed by the State Board.

17 [(b) (1)] (3) (I) A local board may use either two envelopes or three
18 envelopes.

19 [(2)] (II) If two envelopes are used, the inner envelope shall be
20 designated the “ballot/return envelope”, and, when issued, it shall fit inside the
21 envelope designated the “outgoing envelope”.

22 [(3)] (III) If three envelopes are used, the innermost envelope shall be
23 designated the “ballot envelope”, which shall fit inside the envelope designated the
24 “return envelope”, both of which, when issued, shall fit inside the envelope designated
25 the “outgoing envelope”.

26 [(c)] (4) When voted and returned to the local board, an absentee ballot
27 shall be enclosed in a ballot envelope or ballot/return envelope, on which has been
28 printed an oath prescribed by the State Board.

29 (B) IF AN ABSENTEE BALLOT IS SENT BY THE INTERNET OR FACSIMILE
30 TRANSMISSION, THE LOCAL BOARD SHALL PROVIDE THE VOTER WITH AN
31 ENVELOPE TEMPLATE, THE OATH PRESCRIBED BY THE STATE BOARD, AND
32 INSTRUCTIONS FOR COMPLETING AND MAILING THE ABSENTEE BALLOT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2012.